

4138

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

U.S. DISTRICT COURT  
DISTRICT OF NH  
FILED  
2018 AUG 16 A 11: 25

**Josephine Amatucci**

**v.**

**Town of Wolfeboro**

**Linda Murray**

**JURY TRIAL DEMANDED**

**JURISDICTION**

**This cause of action happened in New Hampshire. The Complaint that is before the Court is under 42 U.S. C. 1983 and 42 U.S.C. 1985, a civil rights action.**

**PARTIES**

- 1. Employee of the Transfer Station , sued individually;**
- 2. Town Manager Becky Merrow, sued individually, Town of Wolfeboro P. O. Box 629, Wolfeboro, New Hampshire 03894;**
- 3. Linda T. Murray, Selectman, sued individually, Town of Wolfeboro, P. O. Box 629, Wolfeboro, New Hampshire 03894;**
- 4. Town of Wolfeboro, sued OFFICIALLY, P. O. Box 629, Wolfeboro, New Hampshire 03894;**

**RELEVANT FACTS**

- 5. This is a new cause of action, for damages, there is no res judicata as the first cause of action under case No. 2014-cv- 00095 was in equity, it was only a PETITION to the Court asking for the removal of the illegal No Trespass Order, in the Petition the Plaintiff did not ask for damages. This lawsuit is not asking for removal of the unlawful No Trespass**

Order filed by the town, it is asking for damages UNDER FRAUD, and under 1983 a violation of her Civil rights with the issuance of the No Trespass order without the town allowing the Plaintiff her right under Federal Law to a hearing before issuing the No Trespass Order on May 21, 2014, right after the events of May 7, 2014, where she was threatened and assaulted by the Police chief in the police station, where she was assaulted and unlawfully imprisoned in the town hall by the Acting Town Manager Rob Houseman, and right after she was unlawfully arrested for speeding, where speeding is not a crime and there was no probable cause to arrest her for this offense. That the issuance of the No Trespass Order and the accusation by the town that she was causing a disturbance in the town hall was to create a defense to the unlawful acts by the public officials. A defense to an offense. Under FRAUD. That this new cause of action and lawsuit is in response to the latest threatening and FRAUD by the town in their letter of August 14, 2018, in a continuing course of wrongs by the town. A new pattern of wrongful conduct denying the Plaintiff her liberty to enter the town hall, a new illegal unlawful threat in an ORDER issued on August 14, 2018 by the town in violation of her civil rights. Based on a FRAUDULENT ILLEGAL NO TRESPASS ORDER.

6. In the August 14th letter the town is trying to enforce an illegal No Trespass Order that they issued against her. And where the No Trespass Order was issued before allowing the Plaintiff a right to a hearing as required under the Fourteenth Amendment, the town cannot enforce the Order, cannot threaten and harrass her, therefore the letter of August 14th is a violation of her Civil rights and she is suing for this violation. For the injuries the town is INTENTIONALLY bestowing on her, in RETALITION of her accusing the police of misconduct, which goes back to an event that occurred on May 7, 2014.

7. The issuance of the Order was advertized in the local newspaper, damaging the Plaintiff's reputation, and causing the town citizens to look down on her. It was

Defamation of her character. The issuance of the Order caused the Plaintiff Intentional infliction of emotional distress, in a continuing conduct with threats and harrassment by the town. Threats of arrest if she enters the town hall. Where the former town manager Dave owen attacked her each time she entered the town hall, to pay bills or to file her warrant article. It has to stop and suing the town for ONE MILLION dollars will be the only way for them to stop threatening her.

8. Besides threatening her if she enters the town hall, the town in this latest letter is also .... FALSELY..... accusing the Plaintiff of putting her hands, BOTH HANDS, on some unknown employee at the Transfer Station, they never mentioned the name of her accuser. Nor did they give any detail of the event. Nor did they state that this unknown employee was accusing the Plaintiff of an assault. This goes beyond their threatenting and harrassment and must stop. They are continually causing her infliction under a void No Trespass order, which was issued without a hearing, and therefore cannot be enforced by the town.

9. Besides, the No Trespass Order was issued in RETALIATION and to stop the Plaintiff from entering the town or police station to file any more lawsuits against the town. To stop her from accusing the police of misconduct.

10. In a continuing conduct of threatening and harrassment and the false accusations against the Plaintiff by the town continuously, and in violation of her Fourteenth and First Amendment civil rights and to be free to redress her grievances, the Plaintiff is suing the town for damages for one million dollars, ENHANCED DAMAGES.

11. That the issuance of the No Trespass order was an act of Fraudulent Misrepresentation by the town, where they claimed it was issued because the Plaintiff caused a disturbance in the town hall, and to keep her out of the town hall, but the truth is as detailed in her evidence that the No Trespass order was to stop her from

accusing the town officials of misconduct.

12. The Plaintiff is not going into details about the issuance of the No Trespass Order, which presumably according to the town was that she was causing a disturbance when she went inside the town hall on May 7, 2014 to complain about the former police chief chase, who had just threatened and assaulted her in the police station in RETALIATION for her accusing police officer Dean rondeau of a bogus erratic driving offense near the state park when she proved to the Department of Safety that she was NOT in Wolfeboro that day, from bank statements in Massachusetts.

13. That she asked Rondeau to be investigated and the Chief went beserk and in RETLIATION with his finger in her face, he threatened her and stated that if she accuses his men of misconduct he will get her and arrest her on the spot, which he did minutes later, by accusing her of speeding, when she was not speeding.

14. She had gone in the town hall for help as she feared for her safety and when the Acting Town Manager Rob Houseman heard of the situation in RETALIATION he forced her by grabbing her by the arm in a room in the town hall, to keep her there until the police arrived, as he had called the police to have her arrested for a disturbance she was creating in the town hall. She was never creating a disturbance, as she had gone inside the office of the town manager's secretary Ann Marble and was asking Ms. Marble to contact the Selectmen for her as she feared for her safety. Houseman heard about her complaints to Ms. marble from the Finance Director whose office is across from Ms. Marble's. Houseman came inside Marble's office just when the Plaintiff was leaving, and gra bbed her and stopped her from leaving the town hall. And he Assaulted her and INCARCERATED her in a room and closed the door.

15. Then in a defense for an offense by Houseman the town pretended she caused a disturbance to conceal the crime that Hosueman did to her. It was all FRAUD.

16. The No Trespass order was issued under FRAUDULENT MISREPRESENTATION.

17. This lawsuit is about a violation of her civil rights under 1983 and under Monell in a continuing conduct of the town's threatening the liberty of the Plaintiff, of a violation of her First and Fourth Amendment civil rights.

18. This is a second suit asking for damages for the FRAUDULENT conduct of the town, where in a continuing conduct they are violating her Civil Rights by refusing her to enter the town hall and the police station where they have no legal right to do so.

19. That the town is continually denying her her liberty to use public buildings without any legal right, as although they issued a No Trespass Order in the past they cannot enforce the Order as it was issued in a violation of Due Process under her Civil Rights, when they did not allow her a hearing BEFORE they issued the Order. Therefore the ORDER is void of no legal force.

20. Recently on August 14, 2018 the town threatened the Plaintiff in a violation of her civil Rights. In a continuing conduct. Also, they accused her touching an employee at the Transfer Station, accused the Plaintiff of placing her.....HANDS.....on the employee and they threatened the Plaintiff for doing so. They did not name the employee, and did not produce evidence of this complaint. This is a summary of the many FRAUDULENT complaints of the town against the Plaintiff .....IN RETALIATION.

21. The Plaintiff NEVER NEVER NEVER placed her hands on any employee of the town. That this is a continuing conduct of threats that the town has and is now accusing her falsely.

22. That evidence in a conversation at the Police Commissioners meeting will prove that Dave Owen issued the No Trespass Order to keep the Plaintiff from accusing the police of misconduct, not because she caused any disturbance in the town hall.

23. Therefore, here is no Res Judicata, as this lawsuit is for damages and not to ask this Court to remove the No Trespass order.

24. Due to the continuing threats of the town and now the FRAUDULENT statement by the town that she ..... "placed her HANDS, not one hand, but TWO HANDS on an employee of the town, at the Transfer Station, are enough threats whereby the Plaintiff is demanding that Linda Murray be terminated, for CRIMINAL THREATENING, in a continuing conduct against the Plaintiff. Linda Murray is the Chairman of the Selectmen and the Plaintiff is blaming Ms. Murray for all the harrasment by the town. The Plaintiff wants her TERMINATED.

25. Due to the continuing conduct of threats the Plaintiff over the years, by the town, the Plaintiff is asking ENHANCED DAMAGES totalling one million dollars.

26. That the new Town Manager Ms. Merrow had no legal right to CRIMINALLY THREATEN the Plaintiff when she sent a letter to the Plaintiff dated August 14, 2018 ILLEGALLY ordering the Plaintiff not to trespass in the town hall and the police station. There was a No Trespass Order issued which was void of no legal force, as the Plaintiff was NEVER GIVEN A HEARING BEFORE THE NO-TRESPASS ORDER WAS ISSUED, which is mandatory by the Federal Constitution. There is no "No Trespass Order". Therefore this is a criminal threat, a violation of her FIRST AMENDMENT, and her Fourteenth Amendment. In a continuous conduct, continuing wrongs, by the TOWN OF WOLFEBORO public officials.

27. Attached is proof that the No Trespass Order was issued for other reasons, other than the fact that the Plaintiff caused a disturbance in the Town Hall. The issuance of the No Trespass Order was to stop the Plaintiff from filing lawsuits against the town, as the then Town Manager Owen clearly told the police commissioners at a police commissioners meeting. It was a set-up. So was the town's declaratory judgment to have her declared a frivolous litigant, so that she would not file any lawsuits against the town. This new threat based on an incident that NEVER OCCURRED AT THE tTRANSFER STATION is a new cause of action, in a continuing conduct, a pattern of a violation of her civil rights, by the public

officials of the Wolfeboro Town hall, the direct causation of her injury and the violation of her Civil Rights. Under 1983 and Monell.

28. What happened at the Transfer Station is that I entered the office of the transfer station and there were 3 employees there plus the person who is accusing me of PLACING MY HANDS, NOT HAND, MY HANDS, (how do you place your two hands on a person, why would you place your two hands on a man, he should be accusing me of assaulting him if this is so, not TOUCHING HIM. It sounds like I was HUGGING HIM. I was at the door and he was sitting down at his desk, no where near me and not possible for me to PLACE MY HANDS ON HIM. I would have to reach over his desk and place my two hands on him, as one of the employees was standing in front of me at the side of the desk, so I would have had to reach over the desk and hold him with my .....TWO HANDS. Which is impossible for an 80 year I asked him a question and in a continuing conduct of rudeness towards me the reason of which I couldn't figure out for years, he RUDELY responded to my questions. I told him that he had an attitude problem, thats all that transpired. I have known for years that this man had some kind of a issue against me and I couldn't figure it out. But now that he is stating that I touched him, and he went to complain to the town, I have finally figured it out. All along he resented me accusing the police of misconduct.

29. The conduct of the public officials of this town has to dealt with seriously, as they are indeed a threat to the safety of the citizens of this town. I am demanding that Linda Murray be terminated as where she is the Chairman and has been responsible for all the injuries that has occurred to the Plaintiff, whether directly or not. She is a threat to my safety and she is going to go, so that I could feel safe to walk the streets of Wolfeboro and to enter the public buildings. She allowed officer Dean Rondeau to become police chief, even though she knew Rondeau is a CRIMINAL. In a Code of Silence.

30. That the Town falsely accused the Plaintiff of causing a disturbance in the town hall

on May 7, 2014 when the fact is the Acting Town manager Rob Houseman (who was FIRED FIRED FIRED, NOT RESIGNED ) was the one who was causing the disturbance.

31. The Acting Town Manager Houseman covered up his assault and unlawful imprisonment of the Plaintiff by accusing her of causing a disturbance in the town hall, and to have her arrested for causing the disturbance, as he had told an employee to call the police. And he was illegally holding her in a room in the town hall until the police arrived.

32. This is a new and different incident that occurred that led to this threatening letter being sent to the Plaintiff. There was a Petition filed by the Plaintiff previously in the Superior Court, asking the judge to remove the No Trespass order. The judge dismissed the case with prejudice. However, he never ever addressed the unlawfulness of the issuance of the No Trespass Order. At a hearing before The trial the Plaintiff AGAIN asked the judge to order the defendants to produce evidence that would contradict her summary judgment which is required, and the judge COMPLETELY IGNORED HER REQUEST. Therefore as she stated before the hearing that there was going to be NO TRIAL if the defendants did not produce the evidence and if he judge did not allow her summary judgment based on this lack of evidence .....SHE LEFT THE COURT FOR THIS REASON. It was a VOLUNTARY DISMISSAL of which she had the LEGAL RIGHT TO DO SO.

33. Therefore, where this is a new incident, in a continuing conduct of the threatening of the Plaintiff by the town officials, which is based on the lies of the transfer station employee, there is no Res Judicata, and where the judge in the case under 212-2014-cv-00095 never addressed the unlawfulness and violation of her Federal Civil Rights where the No Trespass Order was illegal as she was NEVER GIVEN A HEARING BEFORE ISSUING THE ORDER, then there is NO RES JUDICATA. Under Res Judicata the judge had to thoroughly judge the MERITS OF THE ORDER. Which he did not.

LINDA MURRAY



34. In a continuing conduct of harrassment Linda Murray who is a liar, she lied under oath in the Superior Court when the town issued a Petition to have the Plaintiff declared a vexatious litigant when they did not have 3 frivolous lawsuits against the Plaintiff. They cited the 2002 and 2003 lawsuits which the Plaintiff filed as ONE LAWSUIT in this Court, and then the 2013 lawsuit which was a second lawsuit, which was not frivolous as officer Rondeau did in fact accuse the Plaintiff of a bogus traffic violation, and she did not have to be re-tested by he Department of Safety because she proved she was not in Wolfeboro that day, this was not a frivolous lawsuit, then there was the pending lawsuit in this Court under 000237 of which this Court found was NOT FRIVOLOUS.

35. Linda Murray only had 2 lawsuits therefore the Petition to call her a frivoloous litigant was based on FRAUD. In a continuing conduct of harrassment of the Plaintiff by the town.

36. This case is going before a jury of her peers, the Plaintiff is asking for damages of One Million Dollars for the continuing conduct of threats and injuries by the town officials against her in the past and in the future, in a CONTINUING CONDUCT. ONE MILLION DOLLARS, as this is the only way to put an end to her THREATS. Besides she wants Linda Murray terminated.

#### CLAIMS

COUNT 1.....Pain and suffering, CONTINUOUS Intentional Infliction of emotional distress. intentional misconduct under color of law;

COUNT 11 Malice, Enhanced Damages amounting to ONE MILLION DOLLARS TOTAL.

Count 111.....Defamation for the newspaper article telling the town that the Plaintiff caused a disturbance in the town hall and that she was arrested for this offense, when in fact she was arrested for what the police claimed was for speeding. And she never caused a distrubance in the town hall, this was FRAUD.

Count 1V.....Deprivation of her civil rights under the Fourteenth Amendment under Due Process a 1983 lawsuit and under Monell, a direct causation to her injuries by the town

manager, a policymaking official, and the Acting town Manager Rob Houseman, where she was never given a hearing BEFORE the town issued the No Trespass order, which is required under Federal Law. Violation of Equal Protection under the law. Which negates any immunity.

COUNT V.....FRAUD, in a continuing conduct of accusing her of a disturbance she never committed, of harrassment and threatening by the town based on a FRAUDULENT NO TRESPASS ORDER, and FRAUD accusing her in the letter of August 14, 2018 of placing her hands on an UNKNOWN town employee at the Transfer Station. Which she never did.

COUNT V1.....Retaliation, a First Amendment violation against the Plaintiff for accusing the police of misconduct.

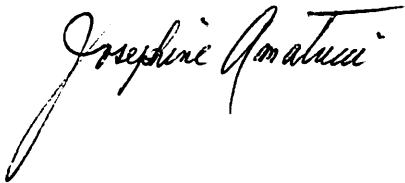
COUNT V11.....Continuous THREATENING when the town issued the No Trespass Order, threatening of arrest when she entered the town hall by the former town manager Dave owen , and in a continuous conduct where the town has for years accused her of crimes that she never committed. Especially in the event on May 7, 2014.

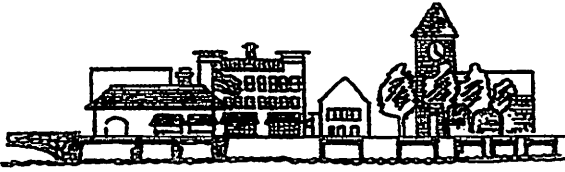
Respectfully,

Josephine Amatucci

August 15, 2018

c. Town

A handwritten signature in black ink that reads "Josephine Amatucci". The signature is written in a cursive style with a large, looping initial "J".



*Town of  
Wolfeboro*

Office of Town Manager  
PO Box 629  
Wolfeboro, NH 03894  
(603) 569-8161

August 14, 2018

CERTIFIED MAIL, RETURN RECEIPT  
FIRST CLASS MAIL

Mrs. Josephine Amatucci  
PO Box 272  
Wolfeboro Falls, NH 03896

Dear Ms. Amatucci:

This letter is in regard to your recent appearances at Town Hall in violation of the No Trespass Order.

The terms of the existing no trespass order are as follows:

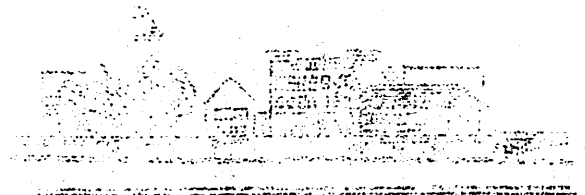
1. You shall provide 48 hours' notice to me, as Town Manager, of your purpose for entering Town Hall or the Public Safety Building;
2. You shall specify a specific date and time when you would want to enter Town Hall or the Public Safety Building;
3. The appropriate Town Official shall review your reason for entering Town Hall or the Public Safety Building and determine whether the purpose is legitimate and whether you can accomplish your purpose by some other reasonable means, such as by communicating with Town Officials or employees in writing; and
4. Assuming your purpose was determined to be legitimate and could not be accomplished by some other reasonable means, you would then be allowed to enter Town Hall or the Public Safety Building at a specific time on a specific date for the purpose of meeting with a specific Town Official or employee.

I am also aware of an incident at the Transfer Station where you placed your hands on an employee. Under no circumstances shall you touch any Town of Wolfeboro employee. This is unacceptable behavior and the Town has a zero tolerance policy with regard to your action. Your future cooperation is anticipated.

Sincerely,

Becky Merrow, Esq.  
Wolfeboro Town Manager

**Town of Wolfeboro is an Equal Opportunity Employer**



TO: [illegible]  
FROM: [illegible]  
SUBJECT: [illegible]

RE: [illegible]

TO: [illegible]  
FROM: [illegible]  
SUBJECT: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]  
[illegible]  
[illegible]

[illegible]



*Town of Wolfeboro*

www.wolfeboronh.us

BOARD OF SELECTMEN  
Linda T. Murray, Chairman  
Sarah M. Silk, Vice Chairman  
Q. David Bowers  
Brad Harriman  
David A. Senecal

TOWN MANAGER  
David W. Owen

May 21, 2014

Josephine Amatucci  
PO Box 272  
Wolfeboro Falls, NH 03896

**RE: Entry Onto Town Properties**

Dear Ms. Amatucci:

In light of the unfortunate incidents at the Public Safety Building and Town Hall on Wednesday, May 7, 2014, and in light of several other incidents during the past several years, I am hereby ordering you, on behalf of the Town and until further written notice, not to enter the Public Safety Building at 251 South Main Street in Wolfeboro or the Town Hall at 84 South Main Street in Wolfeboro. It is with regret that I have to order any person not to enter these public buildings, however, your course of conduct has caused great disturbance to the Town's employees and have caused some of them to fear for their personal safety.

This order should not be construed to prohibit you from attending any publically noticed meeting, such as a meeting of the Board of Selectmen, Planning Board or Police Commission. Should you wish to be on the agenda and heard at any such public meeting, we would ask that you provide the Town Manager with written notice at least 48 hours in advance of the meeting.

Concerning the payment of monies owed by you to the Town, such as real estate taxes, motor vehicle registration, water bill or electric bill, we would ask that you use the envelopes provided for the payment of such bills and place the envelopes in the United States mail. Alternatively, you may place the envelopes with your payments in the slot provided for same on the front door of the Town Hall.

As you may know, Town Hall employees will be temporarily relocated to space owned by Huggins Hospital, during the renovation and rehabilitation of the Town Hall at 84 South Main Street. The above order not to enter is intended to also apply to the temporary Town Hall location at Huggins Hospital. The temporary location for Town Hall employees will be from approximately July 15, 2014 through September 1, 2015.

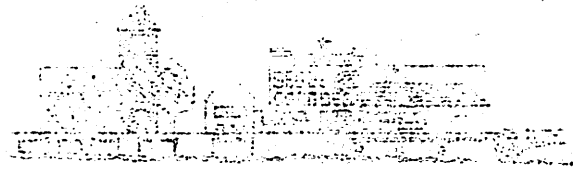
Should you violate this notice not to enter, as set forth above, the Town will prosecute you for criminal trespass under RSA 635:2 and under any other applicable statute, to the full extent provided by law.

*84 South Main Street Post Office Box 629 Wolfeboro, New Hampshire 03894*

*(603) 569-8161*

*Fax (603) 569-8167*





*John P. Hoffmann*  
www.wolfboronh.com

UNOFFICIAL  
RECEIVED  
TOWN OF WOLFBORO  
NEW HAMPSHIRE  
MAY 21 2014

RECEIVED  
MAY 21 2014

MAY 21, 2014

Joseph A. Hoffmann  
PO Box 372  
Wolfboro, NH 03306

John P. Hoffmann  
Town of Wolfboro

Dear Mr. Hoffmann:

In light of the various incidents at the Public Safety Building and the Town Hall on May 21, 2014, and in light of several other incidents during the past several years, I am hereby ordering you on behalf of the Town and with further written notice not to enter the Public Safety Building at 321 South Main Street in Wolfboro, New Hampshire, or the Town Hall at 83 South Main Street in Wolfboro, New Hampshire, with any person not authorized to enter these buildings. However, your course of conduct has caused great disturbance to the Town's employees and have caused some of them to fear for their personal safety.

This order should not be construed to prohibit you from attending any lawfully attended meeting, such as a meeting of the Board of Selectmen, Planning Board or Police Commission, should you wish to be on the agenda and be at any such public meeting, we would not that you provide the Town Manager with written notice in advance of the meeting.

Concerning the payment of monies owed by you to the Town, such as rent, water, sewer, motor vehicle registration, water bill or electric bill, we would ask that you pay these monies for the payment of such bills and place the envelopes in the locked mailboxes or alternatively, you may place the envelopes with your payments in the slot and lock for service to the door of the Town Hall.

As you may know, Town Hall employees will be working on the renovation of the Town Hall at 83 South Main Street. The above order to enter is intended to also apply to the temporary Town Hall location at the Public Safety Building. The temporary location for Town Hall employees will be from approximately July 15, 2014 through September 1, 2014.

Should you violate this notice, you will be liable for civil damages, including attorney's fees, and may be subject to criminal trespass under RSA 633:2 and under any other applicable statute to the full extent provided by law.

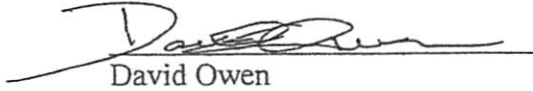


Respectfully,  
John P. Hoffmann  
Town Manager

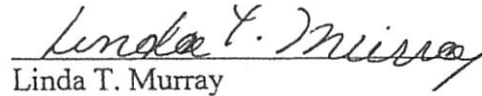
This order is issued pursuant to the Town Manager's and the Board of Selectmen's authority to regulate the use of Town property under RSA 37:5, RSA 41:11-a and any other applicable statute. It is also issued pursuant to the authority of the Town Manager and the Board of Selectmen to manage and supervise the affairs of the Town to ensure the safety and well-being of its employees.

Again, we regret having to take these steps with respect to any citizen, but believe that they are well justified in the interest of the efficiency of public employees and their safety and well-being.

Sincerely,  
TOWN MANAGER

  
David Owen

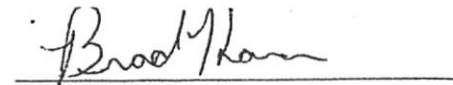
BOARD OF SELECTMEN

  
Linda T. Murray

  
Sarah M. Silk

  
David A. Senecal

  
Q. David Bowers

  
Brad Harriman



**PretiFlaherty**

Mark H. Puffer  
mpuffer@preti.com  
Direct Dial: 603.410.1545

Portland, ME  
Augusta, ME  
Concord, NH  
Boston, MA  
Washington, DC  
Bedminster, NJ  
Salem, MA

January 14, 2015

Josephine Amatucci  
PO Box 272  
Wolfeboro Falls, NH 03896

**RE: Josephine Amatucci v. Town of Wolfeboro**  
**212-2014-CV-00095**

Dear Ms. Amatucci:

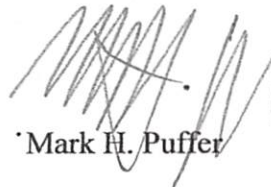
So that there is no misunderstanding, I want to clarify that we will **not** be mediating the above case on January 22, 2015. You have indicated in several pleadings that you will only mediate on the issue of damages, yet the court has ruled that you are not entitled to add a claim for damages to this case at this late date. Trial is scheduled for the week of February 23, 2015.

Accordingly, I have already scheduled a deposition in an unrelated matter for January 22, 2015. So if we do mediate the "no trespass" order matter, we will have to arrange with the mediator to do so after January 22, 2015.

So unless you agree to mediate on the issue that the above-case is concerned with (the Town's "no trespass" order), we will not be conducting mediation in this matter. The Town will, of course, participate in mediation if you agree to mediate on the "no trespass" issue.

Please contact me should you have any questions.

Sincerely,



Mark H. Puffer

MHP:sas

cc: Dave Owen, Town Manager  
Danford J. Wensley, Esq.

*ISSUED THE NO TRESPASS ORDER  
ON MAY 21, 2014*

*THIS IS 8 MONTHS AFTER THEY DEFAMED  
HER NAME, ACCUSING HER OF A DISTURBANCE  
WHICH NEVER HAPPENED. FRANK  
ON WHY THEY ISSUED THE UNLAWFUL NO  
TRESPASS ORDER - WITHOUT FIRST GIVING  
HER A HEARING*





THURSDAY, DECEMBER 8, 2016

ESTABLISHED 1859

WOLFEBORO, N.H. GRANITESTATENEWS.COM 75¢

# Amatucci found to be a "vexatious litigant" by court

*Any future case filings must be through a lawyer and bonded*

BY THOMAS BEELER  
Editor

In a 19-page decision rendered on Monday, Nov. 28, Presiding Justice Amy L. Ignatius of the Carroll County Superior Court found that Wolfeboro resident Josephine Amatucci was a "vexatious litigant" as defined by state law and ordered remedies to be

applied.

The Town of Wolfeboro had filed a petition in Superior Court on June 29, 2015, asking that Amatucci be declared a "vexatious litigant" due to the numerous frivolous lawsuits she has filed against the town, the police department and individuals associated with both. A bench

trial on the petition was held on April 13, 2016.

Under state statute RSA 507:15-a, a "vexatious litigant" is defined as an individual "who has been found by a judge to have filed three or more frivolous lawsuits which the judge finds, by clear and con-

SEE COURT PAGE A17





1. NEVER TELLS THE PEOPLE (THAT CHIEF CHASE THREATENED ME.)
2. THEY DON'T MENTION WHAT HOUSEMAN SAID TO HER IN THE MEETING ROOM.
3. DIDN'T TELL ABOUT THE CRIMINAL THREATENING OF CHIEF CHASE OR THE BOGUS TRAFFIC VIOLATION OF RONDEAU
4. BUT SHE IGNORED THE NARRATIVE OF THIS EVENT.
5. THIS CASE WAS PRE-DETERMINED TO FAIL.

THE GRANITE STATE NEWS, Thursday, May 29, 2014

## Amatucci arrested after disturbances at police station and town hall

BY THOMAS BEELER  
Editor

WOLFEBORO — Josephine Amatucci made a request during public comment at the May 21 Wolfeboro Board of Selectmen meeting, asking that Tax Collector Brenda LaPointe and Town Planner Rob Houseman give written statements about what happened during an incident at Town Hall on Wednesday, May 7.

The board did not respond to these requests.

Contacted the day after the meeting, Town Manager Dave Owen said that he was out of the office at a conference that day, but his assistant Anne Marble reported that Amatucci

had come to complain about something and began yelling at Marble. Hearing the commotion, staff called the police and Houseman came over to escort Amatucci to the meeting room in the building. She tried to get past him to return to Owen's office but he blocked her. She then left the building, saying she was going to the county sheriff's office.

Owen supplied a report from Police Chief Stuart Chase written the afternoon of the incident. In it Chase said he had responded on Monday, May 5, to a Right to Know request by Amatucci on parking and traffic violations in Wolfeboro. On May 7

at 12:30 p.m. Amatucci appeared at the Public Safety Building and "immediately demanded I change certain wording in the response I had provided. . . she would not listen to my explanation and angrily demand to see the 'files.'" Amatucci began yelling and refused to leave despite three requests, so Chase escorted her to the door.

A short while later, employees called from Town Hall and reported Amatucci was creating a disturbance. Office Shane Emerson attempted to stop Amatucci as she drove away from Town Hall but she ignored his flashing lights and drove out to

ward Ossipee on Center Street. At the Pork Hill Road intersection she was stopped by two Carroll County Sheriff deputies, who had to restrain her. Emerson took her to the county jail where she was booked "on speed and disobeying an office charges," according to Chase.

Amatucci has filed several suits in both Superior and federal court against the town to protest her 2008 arrest that was made by Officers Charles Hamilton and James O'Brien following complaints by a neighbor. All but the most recent filing have been dismissed, and it is not expected to succeed.

*EXHIBIT E*  
~~EXHIBIT E~~  
~~EXHIBIT E~~

THE STATE OF NEW HAMPSHIRE

CARROLL, SS.

SUPERIOR COURT

Josephine Amatucci

Town of Wolfeboro

212-2014-CV-00095

**PLAINTIFF'S SET OF INTERROGATORIES TO ROB HOUSEMAN**

- 1.(a) Yes.
- 1.(b) I was not present during your conversation with Anne Marble.
- 1.(c) I did not grab you by the arm or in any way touch you. I did ask you to go into the old court room section of Town Hall away from Anne Marble and other employees attempting to do their work for the Town. At no time did I tell you that you could not leave Town Hall. You attempted to push by me in order to get back to Anne Marble.
- 1.(d) False, I met you at Anne Marble's desk and you were quite agitated, demanding Anne Call the Board of Selectmen.
- 1.(e) It is true that I stood in front of the door leading to Anne Marble's office so that you would not go back to see her again and cause any further disturbance.
- 1.(f) There are several different questions here, which I will try to answer. I was not preventing you from leaving Town Hall but rather trying to calm you down and prevent you from going back to see Anne Marble where the disturbance originated. I did not physically touch you or move you against your will but I did ask you to go into the court room to be away from Anne Marble and other town employees. At no time did I call the police or have an intent to keep you until the police arrived. *Does Telling me I was Bringing Anne Marble to Tears Calm her down.*
- 1.(g) I did not stop you from leaving Town Hall. I did ask you to go to the court room to discuss your behavior and give you an opportunity to calm down.
- 1.(h) On May 7, 2014, I was Acting Town Manager. (The Town Manager was attending a trial in Concord.) I was told by Terry Taveres, an assistant in the Planning Department, that

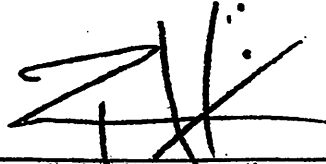
*Lil  
 when he arrive  
 Anne had  
 already told me  
 the Selectmen  
 could not be  
 reached that  
 they were  
 court*

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E

there was a disturbance in the adjacent Town Hall. As Acting Town Manager, I believed it was my obligation to handle any such disturbance.

1. (i) Terry Taveres. See prior answer.
1. (j) No.
1. (k) No. I did speak to the Town Manager later that day and informed him what had happened that morning.

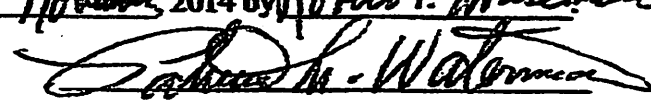
  
Robert T Houseman

STATE OF NEW HAMPSHIRE  
COUNTY OF Cann

Signed or attested before me on 13<sup>th</sup> day of November, 2014 by Robert T. Houseman

My Commission Expires \_\_\_\_\_

**PATRICIA M. WATERMAN, Notary Public**  
My Commission Expires December 4, 2018

  
Signature of Justice of Peace/Notary

6

Not

Exhibit G

THE STATE OF NEW HAMPSHIRE

CARROLL, SS.

SUPERIOR COURT

Josephine Amatucci

v. .

Town of Wolfeboro

212-2014-CV-00095

**PLAINTIFF'S SET OF INTERROGATORIES TO BRENDA LAPOINTE**

1. I do not admit that I made the statement that is set forth. There are some accurate facts set forth, however there are a number of inaccuracies, including:

- I do not believe that I made a mistake when I told Kathy Ferland to call the police on May 7, 2014. Based on the noise and then your involvement with Mr. Houseman, I believe it was appropriate for me to call the police.
- I did not state that I made "a terrible mistake" because I did not know where the noise was coming from or who was causing the noise. While I could not see you, I had seen you walk by and had seen you talking to Anne Marble. I also saw both you and Rob Houseman go past the front counter in a hurry, which is when I told Kathy Ferland to call the police.
- I did tell you that I did not blame you for being upset about being arrested, and that I was sorry that you had been arrested. I believe the disturbance at Town Hall and your subsequent arrest are unrelated.

Brenda LaPointe  
Brenda LaPointe

STATE OF NEW HAMPSHIRE  
COUNTY OF Carroll

Signed or attested before me on 12<sup>th</sup> day of November, 2014 by Brenda LaPointe.

My Commission Expires 10-6-15

[Signature]  
Signature of Justice of Peace/Notary

PRISCILLA C. KEATON  
Justice of the Peace  
My Commission Expires on 10-6-15

My Commission Expires on  
Justice of the Peace  
PRISCILLA C. KEATON

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To Whom It May Concern:

On or about 12:40 PM on May 7, 2014 Josephine Amatucci came in the office looking to speak with the Board of Selectmen. She told me that the Police Chief had threatened her and she feared for her life. Something had to be done about the Chief. I tried to explain to her that the Board of Selectmen could not help her as the Police Department is under the Police Commission and I told her just like the Library personnel is under the Library Board of Trustees. She started yelling and said that the Chief is an employee of the Town and that she needed to speak with the Board of Selectmen. At this time she was in no mood to listen and asked me to call the Board of Selectmen. I told her the Board of Selectmen were not in Town. She asked where they were and I told her that they were in court in Concord. At that time Rob Houseman came in the office and got her to go with him.

  
Anne C. Marble